

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL LOVE,
Plaintiff,

v.

MOGEEB M. HASSAN, et al.,
Defendants.

Case No. [19-cv-01871-SK](#)

**ORDER IMPOSING SANCTIONS AND
FURTHER ORDER TO SHOW CAUSE**

On March 9, 2020, the Court issued an Order to Show Cause why monetary sanctions in the amount of \$200 should not be imposed on each Defendant for failure to appear at a scheduled Status Conference. The Court noted that Defendants failed to appear for a scheduled Status Conference and that Defendants filed an answer after default had already been entered against them. Neither Defendant has moved to vacate the entry of default. Neither Defendant responded by the deadline of March 23, 2020, noted in the March 9, 2020 Order to Show Cause.

The Court noted it was hesitant to impose monetary sanctions against pro se individuals and provided Defendants with one final opportunity to respond to the Court's Order to Show Cause ("OSC"). The Court ordered Defendants to show cause in writing by June 8, 2020, why monetary sanctions in the amount of \$200 should not be imposed on each Defendant for failure to appear at the Status Conference on March 9, 2020 and to respond to the Court's OSC. Unfortunately, Defendants again failed to respond. Therefore, the Court HEREBY IMPOSES SANCTIONS in the amount of \$200. Defendants are required to pay this amount by no later than July 20, 2020.

With respect to Plaintiff, the Court issued its second OSC (and third time admonishing Plaintiff of his obligation to diligently prosecute this case). The Court noted that Plaintiff informed the Court that the parties conducted their joint site inspection of February 25, 2020, more

1 than *seven months late* and without requesting leave of Court to extend deadlines. The Court
 2 further noted that Plaintiff file a motion which ignored the Court's explanation that unless and
 3 until Defendants moved, or the parties stipulated, to vacate the entry of default, Defendants could
 4 not defend against Plaintiff's claims. The Court stated that the parties' complete disregard for the
 5 Court's Orders and deadlines was unacceptable. The Court required Plaintiff to show cause why
 6 the Court should not dismiss this case for failure to prosecute and required Plaintiff to explain how
 7 he seeks to proceed in light of Defendants' default. In light of the fact that Defendants are pro se
 8 and Defendants have made some effort to appear in this lawsuit, the Court recommended that
 9 Plaintiff reach out to Defendants to discuss a joint plan.

10 In response, Plaintiff failed to address how he plans to proceed in light of Defendants'
 11 default and failed to state whether he attempted to reach out to Defendants to discuss a joint plan.
 12 The Court has a full case load and does not have the time to manage this case for Plaintiff. It is
 13 Plaintiff's responsibility to proceed diligently. The Court will provide Plaintiff with one more
 14 opportunity to respond to the Court's OSC fully and completely. Additionally, the Court is now
 15 requiring Plaintiff to reach out to Defendants to discuss a joint plan and to report back to the
 16 Court. In particular, Plaintiff shall address whether or not Defendants plan to move to vacate entry
 17 of default and properly defend against this case. If not, Plaintiff shall present a plan for how to
 18 move forward on Defendants' default.

19 By no later than July 6, Plaintiff shall contact Defendants by phone if possible, if not
 20 possible by phone then by email, and if not possible by email then by mail, to discuss whether
 21 Defendants wish to defend against this lawsuit and how to proceed if they do. Plaintiff shall file a
 22 status update to the Court by no later than July 13, 2020. In the status update, Plaintiff shall
 23 inform the Court as to whether Defendants wish to defend against this lawsuit and how the parties
 24 propose to proceed. If Defendants do not seek to vacate their default and defend against this

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lawsuit, Plaintiff shall explain how he intends to proceed. Plaintiff shall propose deadlines for any next steps.

IT IS SO ORDERED.

Dated: June 22, 2020



SALLIE KIM
United States Magistrate Judge

United States District Court
Northern District of California